

PUBLIC CHAPTER NO. 307**SENATE BILL NO. 828**

**By Burchett, Cooper, Kilby, Bunch, Tate, Woodson, Marrero, Burks, Lowe
Finney**

Substituted for: House Bill No. 2090

**By Maddox, Ferguson, Ford, Eldridge, Gresham, Shaw, Todd, Lois DeBerry,
Coley, Sargent, Sherry Jones, Strader**

AN ACT to amend Tennessee Code Annotated, Title 33; Title 68, Chapter 11 and
Section 71-5-105, relative to ICF/MR beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-105, is amended
by adding a new subsection (c):

(c) Notwithstanding any authority to the contrary, Division of
Mental Retardation Services (DMRS) public ICF/MR non-facility beds
established pursuant to federal litigation settlements or orders arising out
of the cases United States v. State of Tennessee, No. 92-2062 (W.D. TN)
[Arlington Lawsuit], or People First, et al., v. Clover Bottom
Developmental Center, et al., No. 3:95-1227 (M.D. TN) [Clover Bottom
Lawsuit], shall be exempt from all requirements and processes for the
application and granting of certificates of need as set forth in Tennessee
Code Annotated, Section 68-11-1607. The establishment of all private
ICF/MR non-facility beds remains subject to certificate of need
requirements and processes.

SECTION 2. This act shall take effect on July 1, 2007, the public welfare
requiring it.

PASSED: May 16, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 31st day of May 2007



PHIL BREDESEN, GOVERNOR